

House Bill 639

By: Representatives Setzler of the 35<sup>th</sup>, Reeves of the 34<sup>th</sup>, Parsons of the 44<sup>th</sup>, and Ehrhart of the 36<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend an Act creating a new charter for the City of Kennesaw, approved May 6, 2013 (Ga. L. 2013, p. 4234), as amended, particularly by an Act approved May 2, 2017 (Ga. L. 2017, p. 3639), so as to change provisions relating to the corporate limits of the city; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

An Act creating a new charter for the City of Kennesaw, approved May 6, 2013 (Ga. L. 2013, p. 4234), as amended, particularly by an Act approved May 2, 2017 (Ga. L. 2017, p. 3639), is amended in subsection (c) of Section 1.02 by adding a new paragraph to read as follows:

"(5) The corporate limits of the City of Kennesaw shall also include the following described parcels of land:

Tract 1.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 165 OF THE 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED AT THE NORTHWEST CORNER OF LAND LOT 165, SAID POINT BEING THE POINT OF BEGINNING; THENCE RUNNING SOUTH 88 DEGREES, 59 MINUTES, 39 SECONDS EAST FOR A DISTANCE OF 421 FEET TO AN IRON PIN; THENCE RUNNING SOUTH 37 DEGREES, 36 MINUTES, 21 SECONDS EAST FOR A DISTANCE OF 790.22 FEET TO AN IRON PIN; THENCE RUNNING NORTH 52 DEGREES, 23 MINUTES, 39 SECONDS EAST FOR A DISTANCE OF 230 FEET TO AN IRON PIN; THENCE RUNNING SOUTH 27 DEGREES, 06 MINUTES, 21 SECONDS EAST FOR A DISTANCE OF DISTANCE OF 711 FEET TO AN IRON PIN; THENCE RUNNING SOUTH 52 DEGREES, 23 MINUTES, 39 SECONDS WEST

FOR A DISTANCE OF 100 FEET TO AN IRON PIN; THENCE RUNNING SOUTH 35 DEGREES, 59 MINUTES, 08 SECONDS WEST FOR A DISTANCE OF 897.45 FEET TO AN IRON PIN LOCATED ON THE NORTHWESTERLY RIGHT OF WAY OF PINE MOUNTAIN ROAD; THENCE RUNNING ALONG SAID RIGHT OF WAY OF PINE MOUNTAIN ROAD SOUTH 34 DEGREES, 39 MINUTES, 51 SECONDS WEST FOR A DISTANCE OF 54.07 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 31 DEGREES, 45 MINUTES, 25 SECONDS WEST FOR A DISTANCE OF 95.63 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 23 DEGREES, 40 MINUTES, 25 SECONDS WEST FOR A DISTANCE OF 292.53 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING NORTH 36 DEGREES, 46 MINUTES, 57 SECONDS WEST FOR DISTANCE OF 728 FEET TO A POINT; THENCE RUNNING NORTH 36 DEGREES, 47 MINUTES, 42 SECONDS WEST FOR A DISTANCE OF 199.99 FEET TO A POINT; THENCE RUNNING NORTH 35 DEGREES, 12 MINUTES, 11 SECONDS WEST FOR A DISTANCE OF 1913.66 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

SAID PROPERTY CONTAINS APPROXIMATELY 25.40 ACRES AS SHOWN ON THAT BOUNDARY SURVEY FOR LILLIAN MULLINAX REYNOLDS DATED AUGUST 31, 1987 BY LEE CHADWICK, INC. LAND SURVEYING.

Tract 2.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 165 OF THE 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, BEING +/- 2.85 ACRES AS PER PLAT OF SURVEY PREPARED FOR DECATUR FEDERAL SAVINGS AND LOAN ASSOCIATION AS THE PROPERTY OF JAMES C. CHILDERS AND OLIVE G. CHILDERS, DATED JUNE 14, 1979 AND PREPARED BY CLIFTON E. PHILLIPS, G.R.L.S. NO. 171, WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE; SAID PROPERTY BEING KNOWN AS 4003 PINE MOUNTAIN ROAD, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN COBB COUNTY, GEORGIA.

Tract 3.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 165 OF THE 20TH DISTRICT 2ND SECTION, COBB COUNTY, GEORGIA, BEING THREE TRACTS DESCRIBED AS FOLLOWS:

1. ALL THAT TRACT OR PARCEL OF LAND LOCATED IN LAND LOT 165 OF THE 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA BEING 8.78 ACRES +/- DESCRIBED IN THAT CERTAIN WARRANTY DEED FROM ROBERT S. WICKHAM AND EMILY B. WICKHAM TO JAMES C. CHILDERS AND OLIVE G. CHILDERS DATED JUNE 13, 1979 AND RECORDED IN DEED BOOK 2032, PAGE 68, COBB COUNTY, GEORGIA RECORDS AND BEING DESCRIBED AND SHOWN ON THAT CERTAIN PLAT OF SURVEY PREPARED FOR ROBERT S. WICKHAM BY THOMAS E. WILLIAMS & ASSOCIATES, SURVEYORS DATED JULY 3, 1975; AND

2. ALL THAT TRACT OR PARCEL OF LAND LOCATED IN LAND LOT 165 OF THE 20TH DISTRICT, 2ND SECTION COBB COUNTY, GEORGIA BEING 4.88 ACRES +/- DESCRIBED IN THAT CERTAIN WARRANTY DEED FROM ROBERT S. WICKHAM AND EMILY B. WICKHAM TO JAMES C. CHILDERS AND OLIVE G. CHILDERS DATED AUGUST 8, 1985 AND RECORDED IN DEED BOOK 3598, PAGE 350, COBB COUNTY, GEORGIA RECORDS AND BEING DESCRIBED AND SHOWN ON THAT CERTAIN PLAT OF SURVEY PREPARED FOR JAMES C. CHILDERS AND OLIVE G. CHILDERS BY ROGER S. LEE & ASSOCIATES, SURVEYORS DATED JUNE 30, 1985; AND

3. ALL THAT TRACT OR PARCEL OF LAND LOCATED IN LAND LOT 165 OF THE 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA BEING 12,815 SQUARE FEET +/- DESCRIBED IN THAT CERTAIN LIMITED WARRANTY DEED FROM COTTON STATES PROPERTIES, LTD. TO JAMES C. CHILDERS AND OLIVE G. CHILDERS DATED SEPTEMBER 15, 1987 AND RECORDED IN DEED BOOK 4645, PAGE 428, COBB COUNTY, GEORGIA RECORDS AND BEING DESCRIBED AND SHOWN ON THAT CERTAIN PLAT OF SURVEY PREPARED AS AN "OUT PARCEL" BY RODENBERGER & ASSOCIATES, INC., DATED JUNE 18, 1987.

LESS AND EXCEPT:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 165 OF THE 20TH DISTRICT. 2ND SECTION, COBB COUNTY, GEORGIA, BEING +/- 2.85 ACRES, AS PER PLAT OF SURVEY PREPARED FOR DECATUR FEDERAL SAVINGS AND LOAN ASSOCIATION AS THE PROPERTY OF JAMES C. CHILDERS AND OLIVE G. CHILDERS, DATED JUNE 14, 1979 AND PREPARED BY CLIFTON E. PHILLIPS, G.R.L.S. NO. 171, WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE; SAID PROPERTY BEING KNOWN AS 4003 PINE MOUNTAIN

98 ROAD, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES  
99 IN COBB COUNTY, GEORGIA.

100 Tract 4.

101 ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT  
102 60, 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING  
103 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

104 TO FIND THE POINT OF BEGINNING, COMMENCE AT THE POINT OF  
105 INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF  
106 INTERSTATE 1-75 AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF  
107 CHEROKEE STREET, SAID POINT ALSO BEING A CONCRETE  
108 RIGHT-OF-WAY MONUMENT FOUND; PROCEED THENCE ALONG THE  
109 RIGHT-OF-WAY LINE OF CHEROKEE STREET SOUTH 34 DEGREES 10  
110 MINUTES 56 SECONDS WEST, A DISTANCE OF 123.32 FEET TO A POINT;  
111 PROCEED THENCE ALONG A CURVE TO THE RIGHT HAVING AN ARC  
112 LENGTH OF 144.75 FEET AND A RADIUS OF 1333.24 FEET BEING  
113 SUBTENDED BY A CHORD BEARING OF SOUTH 26 DEGREES 33 MINUTES  
114 12 SECONDS WEST, A DISTANCE OF 144.68 FEET TO A POINT; SAID POINT  
115 BEING A PK NAIL SET IN ASPHALT OF A PRIVATE ROAD (ROAD NOT  
116 NAMED), SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;  
117 PROCEEDING THENCE AND LEAVING SAID RIGHT-OF-WAY OF  
118 CHEROKEE STREET SOUTH 66 DEGREES 02 MINUTES 11 SECONDS EAST,  
119 A DISTANCE OF 159.20 FEET TO A POINT, SAID POINT BEING A PK NAIL  
120 SET IN THE BACK OF CURB; PROCEEDING THENCE ALONG A CURVE TO  
121 THE RIGHT HAVING AN ARC LENGTH OF 3.37 FEET AND A RADIUS OF  
122 57.50 FEET BEING SUBTENDED BY A CHORD BEARING OR SOUTH 27  
123 DEGREES 02 MINUTES 49 SECONDS EAST AND A DISTANCE OF 3.37 FEET  
124 TO A POINT, SAID POINT BEING A PK NAIL SET AT THE BACK OF CURB;  
125 PROCEEDING THENCE ALONG A CURVE TO THE RIGHT, HAVING AN ARC  
126 LENGTH OF 18.76 FEET AND A RADIUS OF 57.50 FEET SUBTENDED BY A  
127 CHORD BEARING OF SOUTH 16 DEGREES 01 MINUTES 28 SECONDS EAST,  
128 A DISTANCE OF 18.67 FEET TO A POINT, SAID POINT BEING A PK NAIL  
129 SET IN THE BACK OF CURB, PROCEEDING THENCE SOUTH 34 DEGREES  
130 09 MINUTES 45 SECONDS WEST, A DISTANCE OF 119.49 FEET TO A POINT,  
131 SAID POINT BEING A PK NAIL SET IN THE CENTERLINE OF ASPHALT  
132 ALONG PRIVATE ROAD, SAID ROAD (NOT NAMED); PROCEEDING  
133 THENCE NORTH 55 DEGREES 56 MINUTES 42 SECONDS WEST, A

DISTANCE OF 169.87 FEET TO A POINT, SAID POINT BEING A 1/2" REBAR SET, ALSO SAID POINT BEING THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CHEROKEE STREET; PROCEEDING THENCE ALONG AN ARC OF A CURVE, SAID CURVE BEING TO THE LEFT, HAVING AN ARC LENGTH OF 73.46 FEET AND A RADIUS OF 1333.24 FEET SUBTENDED BY A CHORD BEARING OF NORTH 32 DEGREES 36 MINUTES 39 SECONDS EAST, A DISTANCE OF 73.45 FEET TO A POINT; PROCEEDING THENCE ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 3.88 FEET AND A RADIUS OF 30.50 FEET BEING SUBTENDED BY A CHORD BEARING OF SOUTH 77 DEGREES 51 MINUTES 03 SECONDS EAST, A DISTANCE OF 3.87 FEET TO A POINT; PROCEEDING THENCE SOUTH 74 DEGREES 49 MINUTES 34 SECONDS EAST, A DISTANCE OF 5.30 FEET TO A POINT; PROCEEDING THENCE NORTH 15 DEGREES 10 MINUTES 26 SECONDS EAST, A DISTANCE OF 4.00 FEET TO A POINT; PROCEEDING THENCE NORTH 74 DEGREES 49 MINUTES 34 SECONDS WEST, A DISTANCE OF 5.27 FEET TO A POINT; PROCEEDING THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 2.73 FEET AND A RADIUS OF 34.50 FEET BEING SUBTENDED BY A CHORD BEARING OF NORTH 76 DEGREES 30 MINUTES 39 SECONDS WEST, A DISTANCE OF 2.73 FEET TO A POINT; PROCEEDING THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC DISTANCE OF 27.57 FEET AND A RADIUS OF 1333.24 FEET SUBTENDED BY CHORD BEARING OF NORTH 30 DEGREES 15 MINUTES 22 SECONDS EAST, A DISTANCE OF 27.57 FEET TO A POINT; SAID POINT BEING A PK NAIL SET, ALSO SAID POINT BEING THE POINT OF BEGINNING, SAID TRACT OR PARCEL OF LAND CONTAINS 0.47 ACRES AND IS MORE PARTICULARLY SHOWN ON PLAT OF SURVEY BY ELVIN L. AYCOCK, R.L.S., DATED JULY 1, 1996, LAST REVISED SEPTEMBER 18, 1996, AND BEING SHOWN AS LOT 2 OF CHEROKEE CROSSING, AS PER PLAT RECORDED IN PLAT BOOK 162, PAGE 15, COBB COUNTY RECORDS.

TOGETHER WITH THOSE, CERTAIN NON-EXCLUSIVE EASEMENTS FOR INGRESS AND EGRESS CONTAINED IN UNILATERAL AND RECIPROCAL EASEMENT AND CONSTRUCTION OPERATION AND MAINTENANCE AGREEMENT RECORDED IN DEED BOOK 8871, PAGE 147, COBB COUNTY RECORDS.

Tract 5.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 216 OF THE 20TH DISTRICT, 2ND SECTION, COBB COUNTY GEORGIA, BEING LOT 42, BLOCK D, UNIT ONE, STILESBORO CROSSING, AS PER PLAT RECORDED IN PLAT BOOK 60, PAGE 207, REVISED IN PLAT BOOK 68, PAGE 97, COBB COUNTY, GEORGIA, WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE.

Tract 6.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 216 OF THE 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHEASTERLY 80 FOOT RIGHT OF WAY OF STILESBORO ROAD WITH THE EASTERLY VARIABLE RIGHT OF WAY OF KENNESAW DUE WEST ROAD; THENCE ALONG THE EASTERLY VARIABLE RIGHT OF WAY OF KENNESAW DUE WEST ROAD ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 53.94 FEET, SAID ARC HAVING A RADIUS OF 4265.89 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 02 DEGREES 28 MINUTES 38 SECONDS EAST WITH A CHORD DISTANCE OF 53.93 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 89 DEGREES 22 MINUTES 24 SECONDS EAST A DISTANCE OF 12.02 FEET TO A POINT, AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 120.86 FEET, SAID ARC HAVING A RADIUS OF 7314.79 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 03 DEGREES 14 MINUTES 35 SECONDS EAST WITH A CHORD DISTANCE OF 120.86 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 03 DEGREES 42 MINUTES 59 SECONDS EAST A DISTANCE OF 236.50 FEET TO A #4 REBAR FOUND; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 03 DEGREES 42 MINUTES 59 SECONDS EAST A DISTANCE OF 60.00 FEET TO A #4 REBAR FOUND, THENCE LEAVING SAID RIGHT OF WAY AND PROCEEDING ALONG THE COMMON PROPERTY LINE NOW OR FORMERLY OF LOTS 42, 34 AND 33 OF STILESBORO CROSSING UNIT ONE SOUTH 86 DEGREES 52 MINUTES 12 SECONDS EAST A DISTANCE OF 474.91 FEET TO A POINT; THENCE ALONG THE COMMON PROPERTY LINE BETWEEN TRACT 2-B AND TRACT 2-A OF THE STILESBORO CROSSING

BUSINESS PARK SOUTH 01 DEGREES 04 MINUTES 12 SECONDS WEST A  
DISTANCE OF 331.51 FEET TO A POINT; THENCE SOUTH 00 DEGREES 37  
MINUTES 37 SECONDS EAST FOR A DISTANCE OF 53.72 FEET TO A #4  
REBAR FOUND; THENCE ALONG THE COMMON PROPERTY LINE NOW OR  
FORMERLY SOUTH 89 DEGREES 18 MINUTES 34 SECONDS WEST FOR A  
DISTANCE OF 64.56 FEET TO A 1/2-INCH OPEN TOP PIPE FOUND; THENCE  
ALONG THE COMMON PROPERTY, LINE NOW OR FORMERLY JAMES  
ABNEY SOUTH 89 DEGREES 22 MINUTES 08 SECONDS WEST FOR A  
DISTANCE OF 430.13 FEET TO A #4 REBAR FOUND ON THE EASTERLY  
RIGHT OF WAY OF KENNESAW DUE WEST ROAD AND THE TRUE POINT  
OF BEGINNING:  
SAID TRACT CONTAINS 4.46 ACRES MORE OR LESS

Tract 7.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT  
216 OF THE 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND  
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHEASTERLY  
80-FOOT RIGHT OF WAY OF STILESBORO ROAD WITH THE EASTERLY  
VARIABLE RIGHT OF WAY OF KENNESAW DUE WEST ROAD; THENCE  
ALONG THE EASTERLY VARIABLE RIGHT OF WAY OF KENNESAW DUE  
WEST ROAD ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 53.94  
FEET, SAID ARC HAVING A RADIUS OF 4265.89 FEET AND BEING  
SUBTENDED BY A CHORD OF NORTH 02 DEGREES 28 MINUTES 38  
SECONDS EAST WITH A CHORD DISTANCE OF 53.93 FEET TO A POINT;  
THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 89 DEGREES  
22 MINUTES 24 SECONDS EAST A DISTANCE OF 12.02 FEET TO A POINT;  
THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO  
THE RIGHT AN ARC DISTANCE OF 120.86 FEET, SAID ARC HAVING A  
RADIUS OF 7314.79 FEET AND BEING SUBTENDED BY A CHORD OF  
NORTH 03 DEGREES 14 MINUTES 35 SECONDS EAST WITH A CHORD  
DISTANCE OF 120.86 FEET TO A POINT; THENCE CONTINUING ALONG  
SAID RIGHT OF WAY NORTH 03 DEGREES 42 MINUTES 59 SECONDS EAST  
A DISTANCE OF 236.50 FEET TO A #4 REBAR SET, AND THE TRUE POINT  
OF BEGINNING; THENCE CONTINUING ALONG SAID RIGHT OF WAY  
NORTH 03 DEGREES 42 MINUTES 59 SECONDS EAST A DISTANCE OF 60.00  
FEET TO A #4 REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY

240 AND PROCEEDING ALONG THE COMMON PROPERTY LINE NOW OR  
241 FORMERLY OF LOTS 42, 34 AND 33 OF STILESBORO CROSSING UNIT ONE  
242 SOUTH 86 DEGREES 52 MINUTES 12 SECONDS EAST A DISTANCE OF  
243 474.91 FEET TO A POINT; THENCE ALONG THE COMMON PROPERTY LINE  
244 BETWEEN TRACT 2-B AND TRACT 2-A OF THE STILESBORO CROSSING  
245 BUSINESS PARK SOUTH 01 DEGREES 04 MINUTES 12 SECONDS WEST A  
246 DISTANCE OF 10.00 FEET TO A POINT; THENCE ALONG THE COMMON  
247 LINE BETWEEN TRACT 1 OF THE STILESBORO CROSSING BUSINESS  
248 PARK NORTH 86 DEGREES 52 MINUTES 12 SECONDS WEST A DISTANCE  
249 OF 434.37 FEET; THENCE ALONG THE COMMON LINE BETWEEN SAID  
250 TRACT 1 OF THE STILESBORO CROSSING BUSINESS PARK SOUTH 03  
251 DEGREES 42 MINUTES 56 SECONDS WEST A DISTANCE OF 50.42 FEET TO  
252 A #4 REBAR SET; THENCE NORTH 86 DEGREES 17 MINUTES 04 SECONDS  
253 WEST A DISTANCE OF 41.00 FEET TO A #4 REBAR SET ON THE EASTERLY  
254 VARIABLE RIGHT OF WAY OF KENNESAW DUE WEST ROAD, AND THE  
255 TRUE POINT.  
256 SAID TRACT OR PARCEL BEING 0.16 ACRES (6,810 SQUARE FEET) MORE OR  
257 LESS."

258 **SECTION 2.**

259 All laws and parts of laws in conflict with this Act are repealed.